

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

USA

vs.

(1) HOMERO ZAMORANO JR.
(2) CHRISTIAN MARTINEZ

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NO: SA:22-CR-00366(1,2)-OLG

ORDER GRANTING CONTINUANCE
AND AMENDING SCHEDULING ORDER

The matters before the court is Defendant's Motion for Continuance filed 62, after reviewing the motion, it is the opinion of the Court that the motion should be granted and that the trial in this case should be and is continued.

The Court further finds that the period between *Monday, June 26, 2023* and *Monday, September 11, 2023*, is a reasonable period of necessary delay to allow counsel time for preparation for trial and further finds that such period shall be excluded from the time within which the defendant must be brought to trial and that the ends of justice served by taking such action outweighs the best interest of the public and the defendant in a speedy trial under the Speedy Trial Act pursuant to Title 18, United States Code, Section 3161(h)(7)(A).

This case shall proceed on the following amended schedules:

Pursuant to Federal Rules of Criminal Procedure 11(c) and the holding of the Fifth Circuit Court of Appeals in United States of America v. Ellis, 547 F.2d

863 (5th Cir. 1977), the ***deadline*** for notifying the Court of any ***plea bargain*** or ***plea agreement*** entered into by the parties in this cause is *Thursday, August 31, 2023*. The Court will not accept a plea agreement after the aforementioned deadline. Should a plea agreement be reached and filed in this case and absent written objection filed contemporaneously therewith, this case will be referred to a United States Magistrate Judge for the purpose of administering the plea of guilty and the Fed. R. Crim. P. 11 allocution, subject to final approval and the imposition of sentence by the United States District Court.

PRETRIAL MATTERS

Motions in Limine, witness lists, exhibit lists, and agreed stipulations as to certain elements or facts, if any, shall be filed Thursday, August 31, 2023.

Responses to motions in limine, proposed jury instructions, and proposed voir dire shall be filed Monday, September 04, 2023.

In order to conduct a more efficient and expeditious trial, counsel is encouraged to exchange exhibits within a reasonable period but no later than seven (7) days prior to the pretrial conference. Once counsel has provided opposing counsel with proposed exhibits, authentication of the exhibit will be presumed unless opposing counsel notifies the offering party in writing within three (3) days after the exhibit is listed and made available. To the extent that

counsel intend to raise objections concerning the admissibility of exhibits, such objections must be made at the pretrial conference or at least three (3) business days before trial by notifying the Court in writing of the evidentiary disputes with copies of the disputed exhibit and authority attached to the written objection. Counsel should also advise the Court of any anticipated objections to witness testimony at the pretrial conference or at least three (3) business days prior to trial.

Pretrial Conference is reset for Thursday, September 07, 2023 at 10:30 a.m. in Courtroom C, on the Second Floor of the United States Courthouse, 262 W. Nueva Street, San Antonio, Texas.

Jury selection and trial are reset for *Monday, September 11, 2023 at 9:30 a.m. in Courtroom C, on the Second Floor of the United States Courthouse, 262 W. Nueva Street, San Antonio, Texas.*

IT IS FURTHER ORDERED that the Clerk of the Court shall send a copy of this order to counsel for the defendant, the United States Attorney, the United States Pretrial Services and the United States Probation Office. ***Counsel for the defendant shall also notify the defendant of this schedule*** and advise the defendant that he must be present for all court proceedings unless excused by the Court.

Signed this 15th day of June, 2023


ORLANDO L. GARCIA

UNITED STATES DISTRICT JUDGE